

Shoreline Master Plan Update – Public Comment to City Council

	<i>Date</i>	<i>Name</i>	<i>Topic</i>	<i>Comment</i>	<i>Response</i>
1	04/09/12	<u>J. Browning</u>	Nonconforming	Objection to the term “Nonconforming” was overwhelmingly presented.	The Planning Commission discussed the use of the term “nonconforming” several times and concluded that retaining it was appropriate, given the special provisions that apply only to nonconforming structures. (5/18/12)
2	04/09/12	<u>J. Browning</u>	General	What is the value of the Public Comment Process when comments by the public are ignored?	The Planning Commission has listened to and considered the public comments received. Disagreement on an issue does not mean that the opponents’ comments were ignored. (5/18/12)
3	04/09/12	<u>S. Snyder</u>	Nonconforming	Please listen to the citizens when they tell you their fears of being labeled nonconforming!!!	The Planning Commission’s recommendation to retain the term “nonconforming” will be reconsidered by the City Council. (5/18/12)
4	04/10/12	<u>I. Macddougall</u>	Nonconforming	Unless a particular use or abuse is explicitly identified in a validly adopted regulation, the Nonconforming Use concept simply opens a wide door for City staff to impose its own definition of what does or does not “conform” to what Staff thinks should be regulated or prohibited.	Nonconforming uses do not meet the established regulations. Staff routinely deals with nonconforming structures, uses, and lots under both zoning and shoreline regulations. The adoption of SB 5451 will not eradicate all nonconforming issues. (5/18/12)
5	04/11/12	<u>E. & K. Kushner</u>	Designations	We trust that you and your colleagues will correct this situation and that, henceforth, these seven properties [on Gordon Drive] will be identified as “Shoreline Residential”, a category which is more in accordance with the present topographical configuration, vegetation, and residential uses of these properties.	Staff will present this designation issue to City Council. (5/18/12)
6	04/19/12	<u>P. & E. Boren</u>	Designations	We agree... that these properties [Gordon Drive] are identified improperly and should be “Shoreline Residential” which is more in accordance with the historical and current residential uses of the property.	Staff will present this designation issue to City Council. (5/18/12)
7	05/02/12	<u>R. Hershberg</u>	Overwater Structures	Docks/piers/floats that were legal and constructed with all permits approved at the time of construction should be permitted to stay even in the event of repair.	Planning Commission agreed to modify the proposal and allow all existing docks to be repaired/replaced up to 100%, provided that all dock repair meet current standards in terms of

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					material and design. (5/18/12)
8	05/18/12	H. Snow, PMLHA	Designations	In order to obtain adequate protection for the residents of Point Monroe which will ensure their opportunity to maintain their lifestyle, PMD language must be included in the draft SMP.	The Planning Commission determined that additional work was necessary to complete the proposal for a Point Monroe designation, and given the timeframe for completion of the SMP Update review and the limited resources needed to complete a specific proposal tailored to Point Monroe, recommended that the proposed designation should be processed after the completion of the entire review of the SMP Update. The Commission recommended to the City Council that the City pursue development of the Point Monroe designation through a limited amendment to the SMP.(5/24/12)
9	05/18/12	H. Snow, PMLHA	Overwater structures	The language must include the repair and replacement of the over-water homes.	The existing provision allowing the repair and 100% replacement of nonconforming structures was retained by both the workgroups and the Planning Commission. (5/18/12)
10	05/18/12	H. Snow, PMLHA	Designations	Eliminate the lagoon's Aquatic Priority B designation.	A portion of the Point Monroe lagoon is presently designated Aquatic Conservancy and is proposed to be Priority Aquatic - Category A, while the remaining portion of the lagoon would be designated Priority Aquatic – Category B. The Priority Aquatic B designation was crafted to allow more flexibility, recognizing the more highly developed areas adjacent to sensitive and valuable aquatic resources. (5/24/12)
11	05/21/12	K. DeWitt, BIPRD	General	The District believes that, as it relates to parks, the city's draft SMP does not serve the best interests of island residents.	The Planning Commission amended several provisions of the draft SMP to address the District's issues, including adding language to: the designation criteria of Island Conservancy designation to address different types of public parks; the management policies for the Island Conservancy designation to clarify that existing primary structures and primary park uses may be

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					portended with stabilization if necessary; the management policies for the Natural designation to clarify that and clarifying that an active use area may be maintained in Blakely Mill log pond area of the park; including a special section within the Vegetation Management provisions specifically addressing public park development. (5/24/12)
12	05/21/12	K. DeWitt, BIPRD	Designations	The District is extremely concerned that the Island Conservancy designation will severely limit future use and access to the shoreline on publicly-owned land...	The Island Conservancy designation was specifically crafted by the citizen workgroups to accommodate a public park and private recreational uses that would have a higher level of impact than would be allowed in the Natural designation, while also maintaining sensitive resource lands and waters. Similar to the existing 1996 SMP's Conservancy designation that most public parks are currently designated, the proposed Island Conservancy designation is intended to accommodate recreational, historic or cultural resources and uses that preserve the natural character of the area.(5/24/12)
13	05/21/12	K. DeWitt, BIPRD	Vegetation	The District believes each park should have flexible buffers that are appropriate for the current of each individual site.	Alternative buffers may be determined through site-specific analysis and individual adopted Park Plans or a Master Park Plan. (5/22/12)
14	05/21/12	K. DeWitt, BIPRD	General	Unfortunately, the city's draft SMP fails to recognize that the Park District is an independent public agency, and that parks serve a different function from private property.	The SMP regulates all development, uses, and activities within the shoreline jurisdiction as required under the Shoreline Management act. This includes development within state and local parks as well as property owned or controlled by other state and federal agencies, in conjunction with other programs and regulations. It does not specifically recognize or name those agencies, programs, and/or regulations. (5/22/12)
15	05/22/12	G. Palmer (via Bainbridge Citizens)	General	Advocate 2 simple lists. One for what property owners can do under the SMP and one for what they cannot do.	All elements in the SMP (goals and policies, general and specific regulations, inventory and characterization, vegetation management, etc.) are

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16	5/22/12	D. King	General	I read what I thought was an interesting suggestion that there be a requirement to present what would be allowed and what would be disallowed under the draft SMP. Although such an exercise threatens lawyers, land use consultants and City staff employment opportunities (ESP within Planning Dept), perhaps there s/b a third category, namely activities that would require Planning Dept approval first.	required by state law, as is the update itself. Table 4.1 in the draft is a graphic representation of what is or is not allowed. The SMP regulates all uses along the shoreline whether commercial or residential and development proposal may contain a number of different types of uses that are regulated in different elements of the Program. Tables 4.1 through 4.3 provide a summary of regulated uses, setback and height requirements, and buffer dimensions. (5/22/12)
17	5/23/12	H. Snow, PMLHOA	Designations	The members of the Point Monroe Lagoon Homeowners Association, Inc. (PMLHOA) believe very, very strongly that provisions regarding a Point Monroe District (PMD) should be included within the Shoreline Management Program (SMP) update presently being reviewed.	The City Council will discuss how to address the issue at Point Monroe at the June 13 th City Council meeting. (6/6/12)
18	5/23/12	H. Snow, PMLHOA	General	Unfortunately there is no certainty that the DOE will take up an amendment to the SMP once they approve the first submission sent to them by the City.	The City Council will discuss how to address the issue at Point Monroe at the June 13 th City Council meeting. (6/6/12)
19	5/23/12	H. Snow, PMLHOA	Stabilization	Special consideration needs to be given to the homeowner's ability to repair and replace their bulkhead in order to maintain their property.	The City Council will discuss how to address the issue at Point Monroe at the June 13 th City Council meeting. (6/6/12)
20	5/23/12	H. Snow, PMLHOA	Nonconforming	The Planning Commission, in its review of the PMD, wanted to exclude the 12 overwater, single-family residences from the district claiming their particular concerns were an island-wide issue. It is not. They need to be included in the PMD.	The City Council will discuss how to address the issue at Point Monroe at the June 13 th City Council meeting. (6/6/12)
21	5/23/12	H. Snow, PMLHOA	Nonconforming	All homes need to be considered conforming within the district and special consideration needs to be afforded these property owners in the repair and replacement of the home and primary appurtenant structures.	The City Council will discuss how to address the issue at Point Monroe at the June 13 th City Council meeting. (6/6/12)

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22	5/23/12	H. Snow, PMLHOA	Mitigation	The lots along Point Monroe Drive are all very small and do not offer the normal opportunities for mitigation in the event of the expansion of the footprint for the single-family structure. Special provisions for either modified on-site mitigation or offsite mitigation need to be included in the PMD.	The City Council will discuss how to address the issue at Point Monroe at the June 13 th City Council meeting. (6/6/12)
23	5/23/12	H. Snow, PMLHOA	Designations	Additional regulation and restrictions on use should not be imposed upon the property owners when there is no quantifiable benefit either to them or to the marine environment or to the community.	The City Council will discuss how to address the issue at Point Monroe at the June 13 th City Council meeting. (6/6/12)
24	5/23/12	H. Snow, PMLHOA	General	We request that the scope of the PMD be expanded and amended as set forth within this letter and the City Council direct staff to coordinate a time for all of us to have a work session to review the draft and bring it back before the City Council for review in a timely fashion.	The City Council will discuss how to address the issue at Point Monroe at the June 13 th City Council meeting. (6/6/12)
25	6/1/12	T. Brobst, PSE	Utilities	It should be noted that there are tariffs that PSE must adhere to per the Washington Utilities and Transportation Commission and additionally from an operational standpoint that digging or trenching in the shoreline area may be more of an adverse impact that setting poles and stringing wire to serve customers.	To clarify, this policy is intended to cover distribution lines from the main trunk at the road to an individual structure or group of structures, not the primary distribution lines. (6/4/12)
26	6/18/12	L. Hoepfinger	Nonconforming	We are in support of Wa State Senate Bill 5451 that allows cities and counties to name existing lawfully built homes to be conforming.	The Planning Commission discussed the use of the term “nonconforming” several times and concluded that retaining it was appropriate, given the special provisions that apply only to nonconforming structures. (6/18/12)
27	6/18/12	C. Anderson	General	The proposed SMP is appallingly long and detailed, i.e. a case of micro-managing.	Existing SMP Guidelines require a number of components (including no net loss, a Cumulative Impact Analysis and restoration planning) that were not required in 1995 when the City adopted

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					the current SMP. The citizen workgroups recommended regulations that would respond to site conditions and protect the shoreline while providing flexibility to land owners. The Planning Commission's recommended draft built such flexibility into the plan, which also contributes to the complexity of the document. Strictly prescriptive regulations would be simpler and shorter, but also less responsive to site-specific conditions. (6/18/12)
28	6/18/12	C. Anderson	Nonconforming	The pejorative term “nonconforming” should be completely eliminated from the text.	The draft SMP provides much more flexibility for nonconforming structures than is provided by state regulation. (For example, if more than 75% of a nonconforming structure is destroyed, it must be brought into conformance under state law, while the draft allows totally destroyed or demolished nonconforming structures to be rebuilt and even expanded in some cases.) Changing the terminology to “legally existing” or even “conforming” does not change the requirements under state law for a structure to meet current requirements if a change is proposed. (6/18/12)
29	6/18/12	C. Anderson	Vegetation	The large setbacks proposed render some properties unusable and appear to be an unconstitutional taking of private property for public use.	The buffer provisions included in the draft SMP and developed with the assistance from Herrera Environmental Consultants are in line with what is recommended by the Dept of Ecology as being consistent with the requirements of the Guidelines. (6/18/12)
30	6/18/12	C. Anderson	Residential use	There is no arguing with the fact that the state law recognizes water front homes as a desirable usage of the shore line.	Single-family residential is a preferred use when it does not cause significant impacts to ecological functions or displacement of water-dependent uses. [WAC173-26-201.2(e)(i)] (6/18/12)
31	6/18/12	C. Anderson	Vegetation	I have never seen a study which analyzes the potential effects of wide buffers.	Please refer to the appropriate 2003 Best Available Science (Battelle) , the 2011 Addendum to Summary of Science (Herrera) , and the Herrera

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					memoranda for a listing of such studies. (6/18/12)
32	6/18/12	C. Anderson	Stabilization	Concerning bulkheads...the owner must have unfettered opportunity to carry out repairs as and when needed at the discretion of the property owner.	The draft SMP includes provisions for the repair of stabilization structures such as bulkheads. Repair is not the same as replacement, which must meet specific requirements. (6/18/12)
33	6/18/12	M. Halvorsen	Nonconforming	It is the law in this state passed this last legislative session that structures built on waterfront property before 1969, if they are being used for the zoning of their property, are to be designated “legally conforming” even though they would not be able to meet the requirements now in place.	SSB 5451 allows, but does not require, local jurisdictions to call existing legally established nonconforming residences as “conforming” provided they contain a conforming use and any changes to the structure meets the new standards, including the standard for no net loss of ecological functions. Council will consider the workgroups’ and Planning Commission’s recommendations to retain the term “nonconforming.” (6/18/12)
34	6/18/12	M. Halvorsen	Jurisdiction	...federal waters (such as Puget Sound) are under the jurisdiction of the federal government and only the federal government can pass laws relating to them.	The Shoreline Management Act authorizes the Washington State Dept. of Ecology to manage and enforce development activities within the shoreline jurisdiction. The Dept. of Ecology gives local jurisdictions limited authority to tailor shoreline regulations to the community’s conditions and needs and specifies what those local provisions must include, such as shoreline designations. (6/18/12)
35	6/18/12	M. Halvorsen	Vegetation	Buffers should be left as they are until further science is in showing buffers to be beneficial.	Buffers are one of the tools provided by the Guidelines to help protect shoreline resources and functions. The SMP Guidelines require vegetation conservation and protection of the shoreline. The proposed buffers are consistent with what is recommended by the Dept. of Ecology. (6/18/12)
36	6/18/12	M. Halvorsen	General	Scrap the new proposed Draft with the exception of adding the Chapter on “No Net Loss” to the old plan and keep the rest of the old plan.	This proposal would not meet the requirements of the SMP Guidelines in which “no net loss” is one of the underlying principles guiding how the regulations are to be written. (6/18/12)
37	6/18/12	D. Rosenfeld	General	The problem is that those who wish to tighten regulation are unable to cite any examples where	The state requires the city to update its SMP to meet the current SMP Guidelines and ensure that

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				under the current Shoreline Management Plan shoreline homeowners have negatively impacted the environment.	no net loss of ecological resources, functions, or processes occurs. A survey of applicable science, an assessment of the City's shorelines, and a consistency analysis of the current program were completed to assist in updating the SMP and indicate where the existing regulations fail to meet the SMP Guidelines. These documents served as the basis for the workgroup and Planning Commission recommendations. (6/18/12)
38	6/18/12	D. Rosenfeld	Nonconforming	However there are real costs to this update. First and foremost is the significant decline in property values that this needless regulation will result in. Yes, that will certainly happen in particular when you make existing shoreline homes "nonconforming".	There has been no demonstrated evidence that nonconforming structures automatically decline in value. Many structures in the City are considered nonconforming to some standards or another. Under the current SMP adopted in 1996, 35% of all existing shoreline residences are nonconforming to the Native Vegetation Zone. It seems this has not affected sales of these properties for the past 15 years. Nearly half of the real estate sales of waterfront homes from the last year (that show up on realtors' web sites) have been nonconforming residences. (6/18/12)
39	6/18/12	D. Rosenfeld	General	The fact of the matter is that the current Shoreline Management Plan gives the City of Bainbridge Island all of the tools it needs to effectively manage shoreline development.	The Consistency Analysis provided more than three dozen recommendations on what would be required to bring the existing SMP into conformance with the state Guidelines and provided the basis for the changes that were proposed. (6/18/12)
40	6/18/12	D. Rosenfeld	Nonconforming	When you declare any property nonconforming the purpose of such a designation is to stop its use over time.	Properties are not declared or designated nonconforming. "Nonconforming" means that a use or structure does not meet current regulations.. The draft SMP includes a number of provisions to allow redevelopment of existing residences, while requiring that ecological functions be maintained or improved to offset impacts. The proposed update is intended to protect shoreline functions by

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					allowing change to nonconforming structures to make changes that conform rather than aiming to remove those structures over time. (6/18/12)
41	6/18/12	D. Rosenfeld	Administration	My understanding is that there are several instances where an administrator can determine whether or not a homeowner is in compliance with the SMP regulations.	Under the SMA, the state requires that local jurisdictions have a Shoreline Administrator to administer the environmental protection provisions of the local program within the SMP. The shoreline Administrator must determine compliance with existing regulations each and every time a permit application is submitted. The update does not change how much latitude the administrator has in making a decision. (6/18/12)
42	6/18/12	D. Rosenfeld	General	I urge the City Council to weigh whether it really needs to adopt this or any updated Shoreline Management Plan to achieve its shoreline planning objectives.	The state <i>requires</i> the city to update its SMP in very specific ways. The city's failure to adopt an update would only result in the Dept. of Ecology writing and adopting an update for the City. (6/18/12)
43	6/18/12	J. Browning, Ph.D	Nonconforming	It should be made clear in the SMP that all existing legally constructed homes, appurtenant structures, and normal residential uses, including lawns, landscaping, and recreation areas, are "grandfathered" as "conforming" and that new change or development be mitigated under the "No Net Loss" standard and other provisions of the SMP.	The proposed SMP clearly states that existing structures and uses that were lawfully established may be repaired, maintained, replaced and, in some cases, expanded. Even if the City adopts the provisions of SSB 5451 to call residential structures "conforming" any changes to the structure would need to meet the adopted standards, including the "no net loss" regulations. (6/18/12)
44	06/18/12	J. Mooney	Nonconforming	If, as the staff insists, the word "nonconforming" has not future adverse implication for shoreline residential structures, why in the face of such ferocious public opposition does the staff insist on using it?	Structures that do not (or would not) meet existing regulations and for which a change is proposed, must meet the state and local requirements in place at the time the change is proposed. Including nonconforming provisions in a local program clarifies how an existing structure may be remodeled, replaced, or reconstructed. Without such provisions, any redevelopment of an existing structure that does not meet current standards

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					might be disallowed or only allowed as provided by state law. For example, if a home does not conform to buffer dimensions and the house is destroyed, under state standards it could not be rebuilt in the same location but would need to meet the buffer setback standard and any other applicable requirements. (6/18/12)
45	06/18/12	L. Mandell, Ph.D.	Nonconforming	As a professional economist, I have conducted an economic analysis of the impact of the SMP's reclassification of all water properties as nonconforming on the transfer of the tax burden from waterfront homeowners to the less affluent members of the Bainbridge population who live inland.	The analysis assumes that all residences would become nonconforming (which is not the case) and is predicated on there being a negative financial impact of an existing residence being considered a nonconforming structure. This is a concern that has been expressed by several citizens; however, there has been no demonstrated evidence that nonconforming structures automatically decline in value. A review of recent real estate sales indicates that waterfront homes sell regardless of whether they conform to the buffers or not. (6/18/12)
46	06/18/12	D. Roberts	General	Basing the SMP update on scientific theory – well educated conjecture – is not appropriate.	The legislature rejected a bill that would have required local jurisdictions to base their SMP updates on only peer-reviewed scientific studies and retained the long standing SMA requirement to base such updates on the most recent, relevant science. (6/18/12)
47	06/18/12	D. Roberts	General	There are no studies confirming damage to the environment due to docks, bulkheads, and the gardens and lawns of the Island's shoreline residences. Let's fix something that is actually broken! How about a focus on better storm water runoff treatment from downtown Winslow.	Storm water regulations are governed by a different set of requirements and is outside the purview of the SMP. The SMP Guidelines require the city to regulate residential development, overwater structures, and stabilization through its SMP. (6/18/12)
48	06/19/12	J. McKay	General	If the citizens of Bainbridge Island really wanted to do something positive for the Puget Sound, they would vote to build stormwater drainage systems, sewer and treatment plants, but of that would cost money. Much cheaper to try and	Comment noted.

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				screw shoreline owners, making everybody else feel good but accomplishing zero.	
47	06/18/12	D. Roberts	General	There are no studies confirming damage to the environment due to docks, bulkheads, and the gardens and lawns of the Island's shoreline residences. Let's fix something that is actually broken! How about a focus on better storm water runoff treatment from downtown Winslow.	Storm water regulations are governed by a different set of requirements and are outside the purview of the SMP. The SMP Guidelines require the city to regulate residential development, overwater structures, and stabilization through its SMP. (6/18/12)
48	06/19/12	J. McKay	General	If the citizens of Bainbridge Island really wanted to do something positive for the Puget Sound, they would vote to build stormwater drainage systems, sewer and treatment plants, but of that would cost money. Much cheaper to try and screw shoreline owners, making everybody else feel good but accomplishing zero.	Comment noted.
49	06/19/12	B. Johnson	Nonconforming	The home I live in was built by others that had owned their property since the 30's. The idea that it is now nonconforming or that it should not be there for my children or their children to enjoy is a saddening thing.	As it is currently proposed, not all shoreline residences will become nonconforming to the required vegetation buffers. Those that are nonconforming or would become nonconforming may repair, maintain, replace, and, in some cases, expand with offsetting mitigation. If structural changes are proposed, existing requirements must be met. (6/20/12)
50	6/19/12	R. Dashiell	Nonconforming	Email discussion with L. Mandell about the latter's economic analysis	Comment noted. (6/20/12)
51	6/20/12	J. Green	General	Let us ... take the fight back to the Government with a well thought out plan, which does indeed clean up the run-off, and in turn help to protect the waters off our shoreline.	Comment noted. (6/20/12)
52	6/20/12	M. Whalen	Vegetation	When seeking a permit to make a change to their house or even landscaping, mandatory restoration <u>will</u> be required as a condition of approval.	Revegetation to compensate for anticipated impacts as a condition of approval for a permit is considered "compensatory mitigation." "Restoration" is revegetation that is not responsive to impacts from a specific project and done on a voluntary basis. (6/21/12)

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53	6/20/12	M. Whalen	Vegetation	Under these terms [the definition of “residential development”] even normal maintenance or simple improvements to an existing house could trigger revegetation requirements.	The Guidelines require that all development activities within the shoreline jurisdiction must meet the standard of no-net-loss on a project-by-project basis. Revegetation may be required to address anticipated impacts and will not be required if there are no anticipated impacts from the repair or improvement. (6/21/12)
54	6/20/12	M. Whalen	Vegetation	New vegetation is limited to those types of plants deemed appropriate for meeting the goals of “shoreline restoration.”	A minimum of 65% of Zone 1 must be multistoried native plants or non-native plants that provide functions equivalent to or exceeding a native species. (6/21/12)
55	6/20/12	M. Whalen	Vegetation	The Administrative Vegetation Management Manual has not yet been published and has not been available for each public comment or consideration by Planning Commission.	The Administrative Vegetation Management Manual is under development and is expected to be available by the end of July. The Manual will include information on how a planting plan should be developed and a list of appropriate plants for each geomorphic type. (6/21/12)
56	6/20/12	PMLHOA	Nonconforming	In order to be consistent with both the historical common law precedent and the proposed policy of the City pertaining to waterfront SFRs, all waterfront SFRs should be designated conforming.	This is an issue that the City Council will be considering. (6/21/12)
57	6/20/12	PMLHOA	Nonconforming	The majority of the homeowners along the shoreline have seen their lots and SFRs classified as nonconforming.	35% of the existing shoreline residences do not conform to the current buffer and have been considered nonconforming to the 1996 SMP for more than 10 years. City Council will decide how to treat nonconformity within the SMP. (6/21/12)
58	6/20/12	PMLHOA	Nonconforming	SSB 5451 provides that residential structures and appurtenances (unlimited in scope of any kind) located on lots which were once conforming, but which would now be considered nonconforming, may be considered conforming for all purposes.	SSB 5451 allows a local jurisdiction to consider residential structures and appurtenant structures that were legally established and are used for a conforming use to be considered a conforming structure. It also states [Section 1(3)] that “Updated shoreline master programs must include provisions to ensure that expansion, redevelopment, and replacement of existing structures will result in no

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59	6/20/12	B. Touchette	Nonconforming	... non-conforming is not just a word, but negatively affects a property’s value.	The analysis assumes that all residences would become nonconforming (which is not the case) and is predicated on there being a negative financial impact of an existing residence being considered a nonconforming structure. This is a concern that has been expressed by several citizens; however, there has been no demonstrated evidence that nonconforming structures automatically decline in value. A review of recent real estate sales indicates that waterfront homes sell regardless of whether they conform to the buffers or not. (6/21/12)
60	6/20/12	D. Bennett	General	I believe that the reason there is so little research on buffers for residential land use near water is there is not much evidence that any problem exists for which a buffer is a solution.	Please refer to the appropriate 2003 Best Available Science (Battelle) , the 2011 Addendum to Summary of Science (Herrera) , and the Herrera memoranda for a listing of such studies. (6/21/12)
61	6/20/12	D. Bennett	General	Please do not confuse “politics” for “science”... it is a disservice to both honorable disciplines.	Comment noted. (6/18/12)
62	6/20/12	K. Sethney	Nonconforming	Shoreline homeowners ask that our city’s SMP declare existing, lawfully built homes to be “conforming.” We do not accept the notion of “nonconforming with benefits.”	The City Council will decide what to call lawfully-built, existing residential structures that do not conform to the standards and what standards to adopt. (6/21/12)
63	6/20/12	K. Sethney	General	We ask that any new regulations, including vegetation buffers, be applied to future development only, as per the state’s SMP guidelines.	All lawfully existing structures may be repaired, maintained, replaced, and in some cases replaced under the proposed regulations. Current standards will apply only when a change is proposed, as required by the Guidelines.(6/21/12)
64	06/20/12	K. Sethney	Vegetation	We ask that vegetation buffers be site specific to account for the vast differences between storm facing beaches and sheltered coves – high bank,	Using a site-specific analysis to determine what impacts, mitigation measures, and buffers are appropriate for a project on a specific property is

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				mid-bank, and low-bank properties – and those properties which are consistently battered by ship wakes from ferries, freighters, cruise ships, and war ships.	an allowed alternative method (6/21/12)
65	06/20/12	E. Daley	General	I am befuddled by the apparent use of unproven science and the questionable rationale behind many of the provisions in the draft Shoreline Management Plan (SMP).	Both Battelle and Herrera are well-known and respected groups of scientists and their work was reviewed by the Environmental Technical Advisory Committee, a group of Island scientists from a variety of fields. The combined work of these groups was to ensure that the City had the most recent, relevant science on which to base its SMP, as required by the Guidelines. (6/21/12)
66	06/20/12	E. Daley	Nonconforming	I oppose the language in the SMP and propose the document adopt a statement declares all existing legally constructed homes, appurtenant structures, and normal residential uses, including lawns, landscaping and recreation areas, are authorized and conforming as to setbacks, buffers, and side yards; area, bulk, height, or density requirements and may be remodeled, rebuilt, and expanded, provided that any additional impact may be mitigated and meet the “No Net Loss” standard and other provisions of the SMP.	Under state law, any development activity in the shoreline jurisdiction – whether the existing development is conforming, nonconforming, or called something else – must meet the no net loss standard on a project basis. Any new standards will apply only when a change is proposed. This applies to all uses and entities under state law. The City Council will make the final determination on what existing structures will be called and adopt standards for all development. What the Council adopts as an update must then be approved by Dept. of Ecology. (6/21/12)
67	06/20/12	E. Daley	General	The lengthy, convoluted and often contradictory draft SMP document is intended to increase the power and staffing of the planning department rather than the health of the marine or land environment. City staff is supposed to advise our elected officials, not dictate policy.	The draft SMP was crafted by a group of Island residents and modified by the Planning Commission. During that process, staff provided information from other agencies or studies and gave professional opinions of what they believe is required when asked. (6/21/12)
68	06/20/12	E. Daley	Vegetation	The law does not require or ask for increased setbacks and buffers.	The Guidelines require the local jurisdiction to protect existing shoreline vegetation and to develop vegetation management regulations that are based on current science. (6/21/12)

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69	06/20/12	E. Daley	General	If the city is truly interested in protecting the marine and land environment perhaps they would consider banning the use of pesticides island-wide.	The Land Use Committee considered such a law several years ago and concluded that it would not be enforceable. Instead it opted to hire consultants to lead a “train the trainers” educational effort. This City Council could decide to add such a regulation to the vegetation management provisions of the SMP update (6/21/12).
70	06/21/12	C. Hagstromer	General	First, we are hoping that you taking the words of the citizens of Bainbridge Island into consideration as the MOST IMPORTANT input into what should be in the SMP plan. ... EVERY opinion should count equally.	Comment noted. (6/22/12)
71	06/21/12	C. Hagstromer	Nonconforming	...the proposed SMP would create many more non-conforming residential structures to the question again is how this will protect the environment any more since these structures will still remain where they are but will now have the label of non-conforming attached to them.	Vegetation is essential to the nearshore ecosystem. The proposed vegetative buffer widths, two-zone buffer system, and associated regulations were crafted to provide effective protection of the nearshore environment while minimizing the number of residences that would become nonconforming. (6/22/12)
72	06/21/12	C. Hagstromer	Nonconforming	On the first page of the combined form 17, under Seller’s Disclosures...the homeowner is required to answer the following question: “Are there any zoning violations, <i>nonconforming uses</i> , or any unusual restrictions on the property that would affect future construction or remodeling?” The seller would have to disclose if the structure is nonconforming, which will thus make the sale more difficult.	Shoreline residential is a <u>not</u> a “nonconforming use”. A shoreline residence may be a nonconforming <i>structure</i> , which is not the same and is not asked. Nor are shoreline restrictions that apply throughout the jurisdiction considered “unusual restrictions.” A nonconforming use would be more along the lines of manufacturing in a residential zone when manufacturing is prohibited or a business that was permitted at one time but no longer is. (6/22/12)
73	06/21/12	C. Hagstromer	Vegetation	No peer-reviewed proof has been presented that increasing the buffers from the present 50’ is necessary to protect the environment more than the existing 50’ will do... Science has proven that a 16’ buffer will prevent 80% of sediments to reach Puget Sound...	An alternative means of determining buffer width for a specific property is through a site-specific analysis. The proposed shoreline buffer widths are based on scientific studies to provide both habitat and nearshore protection. Sedimentation is only one of several factors taken into account in

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					proposing buffer widths and, while the scientific studies are not unanimous, many indicate that “wider is better.” (6/22/12)
74	06/21/12	G. Tripp	Nonconforming	In the presentations last night and previously, the City has tried to say that SSB 5451 only applies sing-family residences and not to appurtenant structures and uses.	This misunderstanding may be a result of a difference in how the legislation defines “appurtenances” and what the homeowner considers an appurtenance. As it was presented, SSB 5451 applies only to residential structures, including appurtenances, except that it does not apply to shoreline modifications, such as bulkheads, or over-water structures such as docks. The structures must contain a conforming use. (6/22/12)
75	06/25/12	K. Klinkenberg	Nonconforming	I am writing to express my disapproval of the portion of the proposed SMP that would designate my home, and most existing shoreline homes on Bainbridge as “existing nonconforming.”	Comment noted. (6/25/12)
76	06/25/12	R. Hershberg	Modifications	I am particularly concerned about how the regulations will affect repairs to overwater structures docks, piers, and floats.	Comment noted. (6/25/12)
77	06/25/12	M. Levine	General	I am still convinced that your 334 page proposal from the planning commission is far too complex and goes way beyond the intent of shoreline protection.	All elements in the SMP (goals and policies, general and specific regulations, inventory and characterization, vegetation management, etc.) are required by state law, as is the update itself. Table 4.1 in the draft is a graphic representation of what is or is not allowed. The SMP regulates all uses along the shoreline whether public, commercial, or residential and a development proposal may contain a number of different types of uses that are regulated in different elements of the Program. Tables 4.1 through 4.3 provide a summary of regulated uses, setback and height requirements, and buffer dimensions. (6/22/12)
78	06/25/12	M. Levine	Nonconforming	Why can't we adopt what other communities	The City Council will make the final determination

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				have proposed? “Lawfully established uses occurring as the effective date of this Program shall be considered conforming...”	on what existing structures will be called and adopt standards for all development. What the Council adopts as an update must then be approved by Dept. of Ecology. (6/21/12)
79	06/25/12	M. Levine	Vegetation	I believe that you will find that the drastic changes that would force on the shoreline homeowner do not merit a buffer zone beyond 16 to 30 feet.	The proposed buffer widths are the minimum widths that our scientific consultant recommended to reach a level of 80% effectiveness for most of the identified functions. 16 feet is the lowest minimum width found for water quality and does not meet the minimum for other functions. (6/27/12)
80	06/27/12	K. Sethney , Bainbridge Shoreline Homeowners	General	...language in our proposed SMP update is being used as an example of what not to do in CLE (continuing legal education) classes sponsored by the Washington Bar Association.	This presentation has some of the provisions inaccurately represented. The proposal includes a site-specific alternative to the proposed buffer and any required revegetation to offset impacts. (6/28/12)
81	06/27/12	K. Sethney , Bainbridge Shoreline Homeowners	Mitigation	He then asks his students whether this would pass the mitigation test. One doesn't have to be an attorney to answer, “no, this is clearly a requirement for restoration.”	Mitigation is required when impacts are expected. This can be determined through a site-specific analysis or the dual-buffer system may be utilized. (6/28/12)
82	07/02/12	C. Golon	Designations	Aquatic Conservancy is a designation for an unpopulated area that is used to protect a habitat that is used by fish for procreation or protection of endangered plant or aquatic species.	The purpose of the Priority Aquatic designation is to protect, preserve, restore and manage aquatic areas of sensitive and unique ecological value that include those portions of the marine waters of the City that exist in a relatively natural state, free of human influence, or which contain resources, biological diversity, or other features that are particularly sensitive to human activity, or which contain unique, historical, archeological, cultural, or educational features that merit special protection. A lagoon is an area “of sensitive and unique ecological value” deserving protection regardless of its current level of function. (7/2/12)
83	07/02/12	C. Golon	General	...please make eradicating the devastating pollution created by the City Culverts a priority.	Stormwater and stormwater infrastructure are governed by the NPDES. The purpose of the

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					Shoreline Management Program is to protect and enhance the shoreline environment by regulating land use development. (7/2/12)
84	07/02/12	B. Burkholder	General	They conveniently overlook the fact that the primary purpose of the SMP (required by law) is to <i>protect and improve the health of State land and waters</i> ; it is not to protect property “rights” ... That’s not to say the SMP shouldn’t <i>respect</i> property rights as much as possible.	RCW 90.58.020 states <i>"The legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources... This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life. . ."</i> concluding that <i>"... uses shall be preferred which are consistent with the control of pollution and prevention of damage to the natural environment."</i> <i>"Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage."</i> RCW 90.58.020: <i>"...and, therefore coordinated planning is necessary. . .while, at the same time, recognizing and protecting private rights consistent with the public interest."</i> (7/2/12)
85	07/02/12	B. Burkholder	Designations	The good folks on the Sand Spit are seeking a special variance but it was a mistake when the state decided to sell our public shorelines, further compounded when Kitsap County issued building permits on this super sensitive area.	Comment noted. (7/2/12)
86	07/02/12	B. Burkholder	Environmental impacts	...our shorelines are deteriorating. People seem to forget that individual action, be it cutting a tree, armoring their shore, or building a dock, is not in isolation bad, but if we all do the same thing the cumulative effect can be disastrous.	Comment noted. (7/2/12)
87	07/02/12	G. Tripp	Vegetation	Back in 2011, Herrera presented the Planning Commission with a recommendation for a two-zone buffer plan... This raised a lot of questions and prompted reports from Don Flora...	Comment noted. (7/2/12)
88	07/02/12	P. Adair	Designations	I sincerely hope you will designate our waterfront homes as “shoreline residential” and conforming.	Comment noted. (7/2/12)
89	07/02/12	P. Adair	Vegetation	Also keep the 50 foot buffers that have worked	The proposed buffer widths are the minimum

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				so well.	widths that our scientific consultant recommended to reach a level of 70% effectiveness for most of the identified functions. 16 feet is the lowest minimum width found for water quality and does not meet the minimum for other functions. (7/2/12)
90	07/02/12	P. Adair	Nonconforming	A nonconforming designation would be an extreme disaster for those of us who have lived here for many years and may need to sell sometime down the line.	The City Council will make the final determination on what existing structures will be called and adopt standards for all development. (7/2/12)
91	07/02/12	T. Hammel	Nonconforming	Our approach to lawful structures should be that they are deemed repairable and/or replaceable unless specific unmitigated net environmental loss can be determined.	As proposed, the draft SMP permits all lawfully established residential structures to be maintained, repaired, replaced, and, in some circumstances, expanded. (7/2/12)
92	07/02/12	T. Hammel	Vegetation	The current setbacks have served our community and the state adequately.	The proposed buffer widths are the minimum widths that our scientific consultant recommended to reach a level of 70% effectiveness for most of the identified functions. 16 feet is the lowest minimum width found for water quality and does not meet the minimum for other functions. (7/2/12)
93	07/02/12	T. Hammel	Designations	I am in opposition to...re-categorizing any of our island's shoreline in a more restrictive manner than is required by the State DOE or Federal legislation.	The Guidelines require local jurisdictions to develop a designation system that reflects the physical characteristics of any planned development for the shorelines, as well as goals, policies, and regulations to protect and enhance shoreline functions and processes. The workgroup and Planning Commission recommendations for designations, which were reviewed by ETAC and reflect that required changes. (7/2/12)
84	07/02/12	T. Hammel	General	I am in support of the city developing a comprehensive plan that can be implemented over the next 20 to 25 years to clean up polluted street storm water run-off.	Stormwater runoff is regulated through the NPDES that was developed in response to state regulations. Some of the provisions of the NPDES are reflected in the draft SMP. (7/2/12)
85	07/02/12	T. Hammel	General	I am in support of developing a program to alert, educate, and enforce the current ordinances.	Comment noted. (7/2/12)
86	07/02/12	R. & K. Wendel	Nonconforming	We strongly urge you to make sure that all	The City Council will make the final determination

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				lawfully built homes are declared conforming in the new SMP.	on what existing structures will be called and adopt standards for all development. (7/2/12)
87	07/02/12	R. Albrecht	General	My understanding is that the largest single source of pollution to Puget Sound stemming from Bainbridge Island is the untreated storm water runoff from our streets and roads.	Stormwater runoff is regulated through the NPDES that was developed in response to state regulations. Some of the provisions of the NPDES are reflected in the draft SMP. (7/2/12)
88	07/02/12	P. Moldon	General	...the staff hates Bainbridge Island, the off waterfront politicians want to limit the waterfront property owners in everything than supporting the fire department, police, public schools and the staff wastefulness.	Comment noted. (7/2/12)
89	07/02/12	K. Andreason	General	It is not the shoreline homeowners that have destroyed Puget Sound. It is all the pollution from storm runoff and fertilizers, etc that is poisoning the Sound.	WAC 173-26-176 states that the shorelines are fragile and depend upon balanced physical, biological, and chemical systems that may be adversely altered by natural forces (earthquakes, volcanic eruptions, landslides, storms, droughts, floods) and human conduct (industrial, commercial, residential, recreation, navigational). Unbridled use of shorelines ultimately could destroy their utility and value. The prohibition of all use of shorelines also could eliminate their human utility and value. Thus, the policy goals of the act relate both to utilization and protection of the extremely valuable and vulnerable shoreline resources of the state. (7/10/12)
90	07/03/12	M. Sebastian	General	I am sending this mail to ask for strong consideration and support of the advice in the letter from Dennis Reynolds dated June 19, 2012.	Comment noted. (7/9/12)
91	07/03/12	S. Nelson	Nonconforming	There is absolutely no reason for the City of Bainbridge Island to make ANY PROPERTY existing on Bainbridge Island “nonconforming.”	The SMP Update may make some structures nonconforming. However, residential uses are conforming in all the current and proposed shoreline designations except Natural. As it is currently proposed, not all shoreline residences will become nonconforming to the required vegetation

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					buffers. Those that are nonconforming or would become nonconforming may repair, maintain, replace, and, in some cases, expand with offsetting mitigation. If structural changes are proposed, existing requirements must be met. (7/10/12)
92	07/03/12	D. Meyer	Nonconforming	Therefore our home and deck is built over the water on the original footprint of the site. We fear your regulations by calling us “nonconforming” will drive down the value of that we have built up over the years or make problems for us later when repairs are needed.	Over-water residences were prohibited by the Shoreline Management Act. Existing overwater residences may continue, but no new overwater residences are allowed. (7/9/12)
93	07/03/12	D. Meyer	Nonconforming	Please keep in mind that some families have homes and decks “over water” and not just docks. We also have large mortgages attached to them so please be careful and not outlaw our homes when you are creating new rules for shoreline homeowners.	
94	07/19/12	D. Dunavant	General	Given the top priority of selecting and hiring a full time City Manager to lead the city, it would be prudent to wait on implementing the staff proposed SMP update until after the permanent city manager is in place. If forced adopt something, adopt only what the State requires and no more.	State law requires that local jurisdictions update their shoreline master programs every seven years. The City was granted a one-year extension of the adoption deadline, making that deadline December, 2012. The intent of the Planning Commission was to recommend changes to meet the new state requirements. (7/26/12)
95	07/24/12	Wing Point Community	Nonconforming	We urge you to abandon the plan to reclassify so many existing homes, originally built in conformance with the code, as nonconforming.	The City Council will make the final determination on what existing structures will be called and adopt standards for all development. (7/26/12)